

January 12, 2004



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Research and
Special Programs
Administration**

DOT-E 6946
(FIFTH REVISION)

EXPIRATION DATE: December 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Badger Welding Supplies, Inc.
Madison, WI
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the use of DOT 3A or 3AA cylinders and ICC-3, 3A, or 3AA cylinders manufactured before December 31, 1945, to be retested every 10 years instead of 5 years for the transportation in commerce of compressed gases as authorized by this exemption. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.34(e)(16)(A), § 175.3, except as specified herein.
5. BASIS: This exemption is based on the application of Badger Welding Supplies, Inc. dated December 15, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Only those compressed gases specifically listed in § 173.34(e)(16)(B) are authorized	As appropriate	As appropriate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification cylinder DOT 3A or 3AA or ICC 3, 3A, or 3AA, not exceeding 125 pounds water capacity, complying in all respects with § 173.34(e)(16) except the cylinders were manufactured before December 31, 1945. In addition, cylinders must be in conformance with the petitioner's retest procedures in its Operations Manual as revised, on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

b. Each cylinder authorized by this exemption marked with a star at requalification must be plainly and durably marked "DOT-E 6946" for the entire duration of the requalification period.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. Transportation of oxygen is only authorized by aircraft when in accordance with §§ 172.102(c)(2) Special Provision A52 and 175.85(h) and (i).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only.

10. MODAL REQUIREMENTS:

A current copy of this exemption must be carried aboard each cargo vessel or aircraft used to transport packages covered by this exemption. The shipper must furnish a current copy of this exemption to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: KFW/dl